UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/SR.568
25 October 1999

ENGLISH
Original: FRENCH

COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-second session

SUMMARY RECORD OF THE 568th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 27 September 1999, at 10 a.m.

Chairperson: Mr. DOEK

CONTENTS

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Second periodic report of Mexico

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.99-44397 (E)

The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Second periodic report of Mexico (CRC/C/65/Add.6 and addendum with no symbol; HRI/CRC/1/Add.12/Rev.1; CRC/C/Q/MEX/2; written replies to questions in the list of issues (document with no symbol, distributed in the meeting room))

1. At the invitation of the Chairperson, Mr. Ruiz y Ávila, Mrs. Pérez Duarte y Noroña, Mrs. Cardenas Miranda and Mrs. Sánchez Regalado (Mexico), took places at the Committee table.

2. Mr. RUIZ y ÁVILA (Mexico) said that the second periodic report of Mexico covered the period from January 1994 to January 1998. The Mexican State was party to 45 international human rights instruments and submitted periodic reports to the six committees created under international treaties. Mexico had recently ratified the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, as well as the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. It had also accepted the contentious jurisdiction of the Inter-American Court of Human Rights. In October 1997 the President of the Republic had created an interdepartmental commission to monitor Mexico's international human rights commitments. The commission had helped prepare the addendum circulated to Committee members, and was the body that would study whatever recommendations the Committee might wish to formulate. Mexico was more than willing to cooperate with the various United Nations human rights organs and mechanisms, and would be receiving a visit from Mrs. Robinson, High Commissioner for Human Rights, in November.

3. Since the submission of Mexico's initial report in January 1994, the Government had made strenuous efforts to ensure that children effectively exercised their rights, especially through the National Programme of Action for Children 1995-2000. All the programmes and measures implemented upheld the principle of sexual equality. Child support, particularly for the most vulnerable children, had benefited from increased resources and activities in the various fields of social development. Currently, 60 per cent of the country's budget was devoted to social spending, the highest proportion in the country's history.

4. Enormous strides had been made in education. Over 90 per cent of children aged 15 currently completed primary school, as opposed to 84 per cent in 1995. The Government was currently focusing on secondary school attendance. More and more books were distributed free of charge to schoolchildren. Human rights were taught in primary schools in the context of civic education, which comprised lessons on democracy, equality between men and women, environmental protection, and the benefits of peace. There were special programmes for minors living in situations of poverty and marginality. An increasing number of pupils were given breakfast, school materials and grants.

5. On the subject of health, it was worth mentioning that 98 per cent of children in the under-5 age group were currently inoculated against 12 diseases, while not so long before the vaccines had protected them from only 6 diseases. The mortality rate among children under 5 years of age and the frequency of moderate or serious forms of malnutrition were on the wane. In August 1997 the Programme for Education, Health and Nutrition (PROGRESA) had been introduced with a view to remedying - with a gender-specific approach - problems relating to poverty in all regions.

6. Children comprised the largest section of the population living in poverty. Some 28 per cent of Mexicans were poor, and 40 per cent of children under 10 lived in poverty. The purpose of the PROGRESA programme was to provide substantial assistance to the poorest families, in the form of both food supplements and school grants. In that connection, women were the primary recipients of financial assistance to families, since they were more likely to spend the money on their children, especially their daughters. Moreover, also in the fight against poverty, in March the Federal Executive had submitted the 1999 Programme for Social Development and Fighting Poverty, which established 13 major strategy lines for social equity. They comprised, inter alia, measures on behalf of children, such as, in the field of health, milk available at 40 per cent less than the market price.

7. The Mexican Government was also proceeding with the legal reforms required for integrating the provisions of the Convention into domestic legislation, strengthening inter-agency coordination at the federal and state level, and setting up mechanisms for improved monitoring of the implementation of the Convention. In June 1998 the President of Mexico had approved the creation of a national system for following up and monitoring implementation of the Convention on the Rights of the Child; that mechanism operated in parallel with the National Commission, which supervised implementation of the National Programme of Action for Children. The national follow-up and monitoring system comprised a central federal commission, thematic committees and state-based committees. The National System for the Integral Development of the Family (DIF) was the coordinating agency. Only some states currently had a follow-up committee.

8. The Mexican Government was concerned at the sexual exploitation of minors for commercial purposes, a phenomenon unfortunately on the rise in the country. In order to combat it and to give effect to article 34 of the Convention, the Mexican Government had submitted on 12 June 1998 the Inter-institutional Action Plan for the Prevention, Attention, and Elimination of the Commercial Sexual Exploitation of Children. Under that plan, it had set up an Inter-institutional Commission composed of various Government bodies, deputies, and non-governmental organizations (NGOs). In its fight against ill-treatment of children within the family, the Government had submitted on 4 March 1999 the National Programme against Intra-family Violence (PRONAVI).

9. In addition, Parliament was reviewing the draft amendment to article 4 of the Constitution and the preliminary draft law on the statutory provisions concerning article 4, with a view to fully incorporating the principle of best interests of the child into federal legislation. Legislative reforms were

also under way on issues such as family violence, pornography, child prostitution and adoption. All the legislative amendments introduced at both the federal and state levels were set out in the addendum submitted to Committee members. The Government considered one of its priority tasks to be dissemination of the Convention, which was addressed through primary and secondary education, and through radio and television information campaigns, or seminars and meetings. The National Human Rights Commission and the state commissions were particularly active in that regard. Where implementation of article 12 of the Convention was concerned, civic days were organized under the aegis of the Federal Election Institute, and the first children's elections had been held in 1997, organized by the Federal Election Institute in collaboration with UNICEF. Mexico had also opened La Casa del Arbol (The Treehouse), a centre where children learned about their rights. A number of programmes and studies were being conducted on children living in particularly vulnerable situations. The Mexican Government had aligned itself with the ILO initiatives to combat the exploitation of working children. It was planned to set up an Office of the Procurator for the Defence of the Rights of the Child. Police officers and civil servants enrolled in training courses so as better to respond to child victims or offenders. Measures were also being taken to address the problem of street children and disabled children. The National Programme for the Promotion and Strengthening of Human Rights had been adopted on 21 December 1998 and comprised measures designed to develop a culture of human rights from infancy.

10. The Mexican Government was well aware that, despite its political will and the many measures already taken, a great deal remained to be done before all boys and girls fully enjoyed their rights. Particularly concerned with children living in marginality and poverty, it was determined to pursue its action for full implementation of the Convention. It hoped that the tenth anniversary of the Convention would be celebrated at a plenary meeting of the forthcoming General Assembly. It was also in favour of increasing the number of experts on the Committee and boosting its resources.

11. Mrs. SARDENBERG thanked the Mexican delegation for all the information supplied to the Committee in the oral statements as well as the written report, the addendum to that report, and the written replies to the questions in the list of issues. She was, however, surprised that the Mexican Government had not followed the Committee's guidelines in preparing its second periodic report and, in particular, that it had made no reference to the concluding observations formulated by the Committee following consideration of the initial report. With regard to Mexico's commitment to human rights at the international level, she welcomed the fact that it had ratified the Inter-American Convention on the Prevention, Punishment and Elimination of Violence against Women and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

12. Turning to general measures of implementation, she asked what action the Government had in mind for coordinating and monitoring the process of harmonizing domestic legislation with the Convention, given that certain laws were adopted at the federal level but not yet at the state level. In view of the fact that certain laws had only been adopted in five or six states, she would like to know why the process was so slow.

13. On the subject of the amendment to article 4 of the Convention and the draft regulatory act law on the protection of children and young people, which were shortly to be examined by Congress, she asked the Mexican delegation to indicate the possible obstacles to their adoption. She would also like to know whether the supervision mechanisms adopted in July 1998 were already operational and whether there were plans to continue to establish them at the state level, where they were still extremely rare.

14. Lastly, she asked how the complex set of new structures that had been created were coordinated at the federal and state levels.

15. Mrs. EL GUINDI inquired how the work of the government ministries and organs concerned with child protection was coordinated, particularly between the 31 states and the federal authorities. By the same token, what was the situation regarding coordination of activities in favour of children with civil society, the NGOs and the private sector? Could the Mexican delegation provide examples of cooperation among those actors?

16. She would also like to know whether there were any measures and programmes in favour of children particularly vulnerable to abuse and exploitation, such as the children of migrants, refugee children and indigenous children.

17. Mr. RABAH asked whether Mexican legislation was currently aligned with the provisions of the Convention with regard to the best interests of the child in the fields of health, education and the juvenile justice system. He would also like to know the practical effect of the numerous programmes listed in the report, and whether the budget policies were elaborated with an eye to serving the interests of children. He would like further information on the decentralization of child-protection services, especially in rural areas, and on the extent to which civil servants, lawmakers, NGOs and children themselves were acquainted with the rights conferred by the Convention.

18. Mrs. OUEDRAOGO said she regretted that the activities conducted to publicize the Convention had been mentioned in the report without reference to the Committee's recommendations. What had been the general scope of those actions, especially among the indigenous population? To what extent was the Convention known in the country? And how frequently were information campaigns held, including those intended for child-care professionals? She would also like information on the dissemination in Mexico of the initial report and the Committee's conclusions and recommendations. How had the population been informed and what had its reaction been?

19. Like Mrs. El Guindi, she asked whether there was any structure responsible for coordinating the activities of the Government and NGOs to make them more effective. Had the NGOs participated in the drafting of the report?

20. Mrs. TIGERSTEDT-TÄHTELÄ asked whether the prospective Office of the Procurator for the Defence of the Rights of the Child would be independent of the government administration, and wished to know what its mission would be. She was happy that the Government had decided to allocate 60 per cent of its budget to social spending, which was a very high figure. She asked how those

funds would be distributed and in what sectors; whether a systematic study of public spending on children had been conducted; and, if so, whether the results were published and accessible.

21. Mrs. KARP pointed out that under article 44 of the Convention, States parties were required to make their reports widely available in their own countries. She therefore wished to know why none of Mexico's reports had been disseminated. The aim of that provision of the Convention was, in fact, to sensitize the population (from the man in the street to NGOs), keep it abreast of what the Government was doing, and involve it in strengthening human rights.

22. She asked whether the increase in the social spending budget was effectively translated into increased services, since factors such as inflation and rising costs could have an adverse effect.

23. She was deeply concerned at the substantial differences described in the report between the legislation of the states and the federal legislation with regard to various areas that directly affected children, and asked whether there were any mechanisms for standardizing legislation relating to children. While, as a State party, Mexico had undertaken to ensure that the rights of all children without exception were respected, those differences in the various legislations created discrimination.

24. She asked whether the visit by a group of children to the Chamber of Deputies in 1997 had given rise to follow-up activities and whether the conclusions drawn as a result had been incorporated into provisions and programmes. Was there already a system whereby children and youth could learn about and understand the Convention to prepare them for the second experiment of that nature to be organized in 2000?

25. Mr. RUIZ y ÁVILA (Mexico) referred to the organizational chart contained in a document that he would be distributing to members, the National Programme of Action for Children 1995-2000, to explain how coordination functioned. The Ministry of Health was the institution appointed by the President to liaise among four sectors: health, education, the National Water Board and the DIF, each of which headed several major national institutions active in the pertinent field. At the next level, the 32 state commissions were coordinated by the Secretariat General for Health. The document also contained a great deal of information on migrant and refugee children, child exploitation, street children and HIV-infected children, providing Committee members with answers to their questions.

26. Mrs. SÁNCHEZ REGALADO (Mexico), noting that she had been involved in the preparation of the document, said that once the Federal Executive had designated the liaison institution, a technical follow-up committee had been established. The intersectoral work of the 31 federal bodies was instrumental in disseminating the Convention and the objectives to be attained by the year 2000. The 31 bodies and four sectors mentioned by Mr. Ruiz y Ávila collaborated on specific programmes designed to achieve the established objectives. Regional follow-up meetings had been held and were the subject of annual reports to the Executive.

27. Mr. RUIZ y ÁVILA (Mexico) said that the National Programme of Action had established 33 objectives, mainly concerning health, but also education, sewerage and children living in exceptionally difficult conditions. The health measures taken had halved the infant mortality rate.

28. Mrs. SARDENBERG suggested that the delegation should focus its replies more on implementation and monitoring of the Convention. She asked whether a Government mechanism had been set up since 1998 to deal with coordination.

29. Mr. RUIZ y ÁVILA (Mexico) stressed the fundamental nature of the bill aimed at amending article 4 of the Constitution. That bill, prepared on the initiative of Mexican NGOs and of experts on children's issues and violence against women, was intended to regulate protection of children's rights by collating the norms and objectives of the Convention with the Constitution. Although some amendments had been proposed, the bill already commanded a broad consensus and was likely to be adopted. The first section of the bill reviewed the fundamental principles, such as the best interests of the child, non-discrimination, family environment as an essential aspect of child development, family responsibility, recognition of the differences in the stages of infancy and adolescence, the right to a life without violence, the lack of criminal liability of children under 12 years of age, and respect for cultural diversity. The second section dealt with the fundamental rights of the child, including the right to an identity. The bill also focused on cooperation between the states and the federal Government. It was founded on a comparative analysis of the laws in force in each state, in the light of international legislation on women and children, the results of which had been published in the form of reports.

30. Mrs. PÉREZ DUARTE y NOROÑA (Mexico), highlighting the complexity of the process of harmonizing national legislation and the laws in force in each state, explained that 33 reports (one for each of the 32 states and one for the central Government) had been published. Federal jurisdiction and local jurisdiction were established by the Constitution. Anything to do with children from the civil and criminal viewpoint fell exclusively within the competence of each state, hence the rather considerable disparities. Health and education, on the other hand, were areas covered at the federal level, although it was for the states to coordinate their activities and implement their own programmes. Comparisons in those areas were therefore easier. The reports had been drafted with the help of the National Human Rights Commission and UNICEF. The federal Government, which had received those 33 studies, was currently examining their legal implications. Since it affected the Civil and Penal Codes, a major task of awareness-raising was called for if the reforms were to be made. Although it was fairly easy to reach consensus on child-related issues, the states were not all at the same stage and did not follow the same method. The reports contained a series of proposals for harmonizing the legislation, a process that was particularly delicate in a federal republic such as Mexico, inasmuch as the sovereignty of the states, their characteristics and their particular problems needed to be respected. However, certain aspects, such as adoption or criminal responsibility, concerned the entire population and it was in those areas that laws should be standardized as a matter of priority.

31. Near consensus had been achieved for the bill aimed at amending article 4, but there had been disagreement on certain standardization proposals, particularly those concerning the age of criminal liability. Certain lawmakers, especially in the states most affected by drug trafficking, wished to lower the age of criminal liability to 16 in order to fight traffickers more effectively, while others preferred to keep the minimum age at 18 years.

32. Activities had been implemented to sensitize lawmakers as well as the magistrates themselves, so as to make them understand that the principles of the Convention had overriding force. The result had already been apparent in the rulings pronounced.

33. The CHAIRPERSON invited the members of the delegation to answer the questions concerning dissemination of periodic reports and awareness-raising activities. He also called for more information on the allocation of budgetary resources and the 60 per cent increase mentioned earlier. He further invited the delegation to explain the measures for monitoring implementation of the Convention.

34. Mr. RUIZ y ÁVILA (Mexico) explained that the Ministry of Foreign Affairs had taken steps to encourage the various government departments to transmit the information, but that there had been relatively few requests for consultation of the report. Pointing out that the United Nations Website address was already given out to interested persons or organizations with access to the Internet, he also envisaged the possibility of disseminating the report by incorporating it into the Mexican Government's human rights Web page.

35. Strenuous efforts had been deployed to publicize the Convention. The DIF had, for example, published a compendium of child laws, and the National Human Rights Commission a compendium of international instruments (including the Convention). Both had been distributed to legislators, magistrates, NGOs and civil society. In addition, a large number of brochures had been published by the DIF, the National Commission and even the commissions of the various states. The Ministry of Public Education had, in turn, distributed to 63 million Mexican children a free book on the Constitution, which included a chapter on human rights. It had also published free textbooks containing a page on the duties of local authorities, and information on the rights of the child, sometimes including the Convention.

36. Regarding the budget, an attempt to assess the share of the resources allocated to child-related activities had not yielded great results. In recent years the emphasis had been placed on combating extreme poverty, and budgetary resources had been allocated to the pertinent institutions for that purpose. However, it was not possible to break down the allocation of those resources including those devoted to children.

37. Mrs. CARDENAS MIRANDA (Mexico), returning to the follow-up mechanisms, explained that each state had a DIF, a decentralized structure that served to coordinate implementation of the National Programme of Action and follow-up to

the Convention at the national level, as well as between the DIF and the other institutions in each state, including the commissions (which had so far been set up in seven states).

38. The CHAIRPERSON asked what would be the status and role of the Office of the Procurator, establishment of which was currently under study.

39. Mrs. CARDENAS MIRANDA (Mexico) explained that there were 32 procurators responsible for the defence of the rights of children and the family. They existed in each state and were administrative rather than judicial. Only four of them had jurisdictional powers. A bill aimed at creating a decentralized public body with its own legal personality and capital (which would become the Office of the Procurator) had been submitted two years previously. The bill had not yet been examined, but should be adopted in the near future.

40. Mrs. PÉREZ DUARTE y NOROÑA (Mexico) pointed out that in the meantime minors were unprotected. The Procurators General of each state had a department that dealt with minors - the Department of Children and the Family - whose task was to honour the obligation of the Ministry of the Interior to pay priority attention to children and their defence.

41. The CHAIRPERSON invited Committee members to ask questions on the definition of the child, general principles, and civil rights and freedoms.

42. Mrs. SARDENBERG, while acknowledging the essential nature of the legal harmonization process, also stressed the importance of dissemination of the Committee's reports, which could have an impact on the measures adopted by each state. Where the guidelines were concerned, she pointed out that it was not merely a question of method; the fact that children's rights fell under several categories stressed their interdependence and the holistic nature of the Convention. Referring to the 1997 children's elections, she welcomed the measures taken by the Government to disseminate the Convention and the innovative methods used. However, she asked why that event had involved only children aged 6-12 and whether there were plans to set up a similar project with the participation of children aged 12-18. She also regretted that the emphasis had been placed on offenders in those awareness-raising activities. It would have been preferable to underscore the global nature of the Convention by exploring all its aspects.

43. With regard to general principles, she requested further information on the situation of indigenous children. Why was language, generally speaking, the only criterion used in identifying indigenous groups? And why were the indicators much more negative for them than for the rest of the population? Were measures being taken to change that situation? Concerning the situation in Chiapas, she mentioned the numerous allegations of violation of children's rights, linked in particular to armed confrontations. She asked what measures were being taken to protect children in that region.

44. Mrs. OUEDRAOGO said she would like to know, first of all, whether steps had been taken to raise the ages of marriage and criminal responsibility. On that subject, it would be interesting to learn the position adopted by the Mexican Government following the incidents in the State of Chiapas. She regretted that the report had not made any direct reference to the Committee's

recommendations concerning children of disadvantaged families, and asked whether the programmes set up had yielded the expected results, despite the country's economic difficulties and the current structural adjustment programme. On the question of family violence, she would like to know whether programmes aimed at combating that phenomenon took due account of the need to instil confidence in the population, the forces of law and order, and the social services involved with women and children who were victims of such violence. It would also be useful to have more details on cases of forced sterilization among certain indigenous women, as mentioned in the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and to know what measures the Mexican Government had taken on that question. She would like to know whether any progress had been noted in the wake of the measures taken to reduce regional disparities. It would also be interesting to know whether the civic days organized with the participation of children had culminated in follow-up recommendations, and whether children's views were taken into account within the family, given the traditional attitude of families towards girls and boys. Lastly, she would like to know the results obtained from the awareness-raising campaign on registration of children, especially those from refugee families.

45. Mrs. KARP asked whether indicators had been prepared in connection with the National Programme of Action for Children (PNA) 1995-2000 on innovative aspects of children's rights. She would like to have detailed information on the links between the powers of the new Procurator for the Defence of Rights of the Child and the National Human Rights Commission. It would also be useful to have further information on police brutality, of which children in detention or in institutions were victims, and specific examples of the punishment meted out to the perpetrators. Lastly, she would like to know more about the measures taken to respect children's privacy in schools (for instance, the searching of satchels) and on the prohibition of corporal punishment within the family, in schools and in other institutions.

46. Mrs. TIGERSTEDT-TÄHTELÄ asked what share of the national budget was allocated to the defence and security forces. She would also like to know whether abortion was still penalized in Mexico and called for the relevant statistics. Lastly, she asked whether Mexico still regarded children as citizens rather than subjects of rights.

47. Mr. RABAH asked whether Mexican child labour legislation complied with the ILO instruments, especially Convention No. 138 concerning Minimum Age for Admission to Employment, which prohibited work by children under 14 years of age, and which Mexico had not ratified. According to the ILO Regional Office in Mexico, over 1 million children aged 10-14 worked in Mexico without any legal protection. It would be useful to have more information on that subject, which had not been dealt with in the report.

48. The meeting was suspended at 12.35 p.m. and resumed at 12.45 p.m.

49. Mrs. PÉREZ DUARTE y NOROÑA (Mexico) said that in Mexico a minor under 18 years of age was considered to be a child, and confirmed that a debate had taken place in the country on the concept of citizen, which involved the right to vote. In any event, Mexican children enjoyed all the rights guaranteed by the Constitution and the rights enshrined in

international law, with the exception of the right to vote. There were plans to raise the age of marriage which was currently 14 years for girls and 15 for boys, for obvious health reasons and to guarantee the maturity of prospective parents. Discussion of harmonization of the age of criminal responsibility at 18 years continued. It should be mentioned, however, that review of the age of criminal responsibility in no way resolved the problems of substance. She recognized that the phenomenon of family violence was a reality in Mexico and partly accounted for the high number of street children. The PRONAVI programme was designed to combine the efforts of civil society and the Government in the struggle against that phenomenon. The activities of the National Human Rights Commission and those of the Office of the Procurator for the Defence of the Rights of the Child did not overlap; on the contrary, they complemented one another. She confirmed that complaints of forced sterilization had been lodged by working women. It was a matter examined in depth by the Committee on the Elimination of All Forms of Discrimination against Women, which was in possession of all the pertinent information on the subject. There was a movement in Mexican civil society in favour of decriminalizing abortion, but it should be noted that no case of prosecution for abortion had been reported since 1995. Family planning campaigns were undertaken both in the towns and in the rural areas in order to instruct adolescents in responsible sexual behaviour.

50. Mr. RUIZ y ÀVILA (Mexico) said that the promotion of democracy was an extremely costly undertaking and that the Mexican Government's resources were far too limited to allow it to implement all the provisions of the Convention. The problem of maltreated children was one of the most serious faced by Mexico and was the province of various institutions of the National System for the Integral Development of the Family (DIF). The prosecutors of the states and the Federal District were empowered to institute a preliminary inquiry on offences committed against minors. The Office of the Procurator of the Republic had implemented a programme designed to propagate a culture of respect for human rights through training courses for representatives of the Ministry of the Interior and the judicial police. There had been an increase in the number of complaints filed by victims over time, since when they were examined and followed up.

51. Mrs. SÁNCHEZ REGALADO (Mexico) said that private schools, like public schools, came under the Ministry of Education, in accordance with article 3 of the Constitution. Corporal punishment was strictly prohibited in both. Measures were also being taken to provide ongoing training for teachers.

The meeting rose at 1 p.m.